



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/021,079 | 12/19/2001 | Takeshi Hoshida | 1460.1033 | 8722 |
| 21171 | 7590 | 01/26/2005 | EXAMINER | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | TRAN, DZUNG D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2633 | |

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,079

Applicant(s) 

HOSHIDA ET AL.

Examiner

Dzung D Tran

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/27/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-19 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-10, 20-24 and 26-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION***Specification******Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “a detection result transmitter” in claims 5 and 30, “a stopper, a detection result transmitter” in claims 6 and 31, and “a stopper” in claims 7-10 and 32-35 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant

Art Unit: 2633

will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 6, 30 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear where "a detection result transmitter" is located. The specification does not clearly describe a detection result transmitter for transmitting the detection result from a residual light detector and the drawing, figure 5, shows a band detecting 72 connected to band adjuster 73 to the pump light source 71 located at repeater station 54, the only transmitter shown in the drawings is the transmitter 61 in the transmitting station.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 20, 22-24 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami et al. US patent no. 6,263,139 in view of Grubb et al. US patent no. 6,344,922.

Regarding claims 1 and 23, Kawakami discloses an optical communication system comprising:

a transmitting station 1;

an optical transmission line 3 for transmitting an optical signal sent from said transmitting station 1;

a repeater station (figure 5, elements #1 to #n) provided in said optical transmission line between said transmitting station 1 and receiving station 2; and

a first pump light sources 12 located in said transmitting station 1, a second pump light sources 24 located said receiving station 2.

Kawakami does not specifically disclose a first pump light sources 12 and a second pump light sources 24 supplying two different wavelengths and provide a substantially flat gain over wavelengths of the optical signal. However, Kawakami discloses different pumps designated no. at different location (i.e. pump 12 at transmitting station, pump 24 or 24a, 24b at receiving station, meaning different pump could supplied different wavelengths). Furthermore, Grubb, from the same field of endeavor, discloses different pump light sources ($32_1, 32_2, \dots 32_n$) for supplying pump light to an optical transmission line, wherein pump light has two types or more of wavelengths ($\lambda_{p1}, \lambda_{p2}, \dots \lambda_{pm}$) and located at different span (see figure 2) and provide a substantially flat gain over

Art Unit: 2633

wavelengths of the optical signal or reduce gain tilt of the Raman amplification (col. 4, lines 6-17). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teaching of Grubb in the system of Kawakami to provide pump sources of different wavelengths for the pumping source (col. 6, lines 57-66) into the optical transmission system of Kawakami in order to compensate for the signal loss and to provide a flat gain profile for the transmission system and to decrease the extent of interference, i.e., crosstalk, that occurs between Raman pump wavelengths, as well as the signal wavelength.

Regarding claim 26, Kawakami further discloses plurality of pump light sources (71a, 72a, 73a, 71b, 72b, 73b) located in a respective repeater station of a plurality of repeater stations (#1, #2, ..#n) provided along an optical transmission line between transmitting station 1 and receiving station 2.

Regarding claims 20, 24 and 27, Grubb discloses a controller 34 for controlling the pump energy supplied via one or more of the pump wavelength (col. 6, lines 57-66) by detecting or receiving the pumps power and compare it with a desired intensity profile to the optical signal (col. 4, lines 10-17).

Regarding claims 2, 3, 28 and 29, Grubb further discloses optical transmission line has a Raman gain as a function of wavelength in which an interval between a minimum value and a maximum value of a wavelength of said pump light coincides with a width of an amplifying wavelength band when a maximum value first appeared after a Raman gain generated by pump light starts showing coincides with a center wavelength of the amplifying wavelength band to

Art Unit: 2633

be amplified (col. 11, lines 14-46), wherein second wavelength is set so that a maximum value first appeared after a second Raman gain generated by said pump light with said second wavelength starts showing substantially coincides with a local minimum value first appeared after a first Raman gain generated by pump light with said first wavelength starts showing, on said first wavelength (col. 5, lines 7-19, col. 11, lines 14-20).

Regarding claim 4, shielding the pump light is well known in the art, one of ordinary skill in the art would have been motivated to do this in order to prevent the signal light leakage and provide a stronger light signal. Furthermore, whether or not to shield the pump light is merely an engineering design choice.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami et al. US patent no. 6,263,139 in view of Grubb et al. US patent no. 6,344,922 and further in view of Wu US patent no. 6,423,963.

Regarding claim 21, as per claims above, Kawakami and Grubb disclose all the limitations except for stopping means for stopping supply of the pump light when warning is given. Wu discloses a method for shutting off pump radiation from the Raman pump to the fiber (col. 3, lines 13-16), Wu system include a supervisory receiver that provides the output to the decision block 104 for turning off the Raman pump in the event of a failure of supervisory channel source or a cut in fiber (col. 4, lines 51-60). Therefore, it would have been obvious to an artisan at the time of the invention was made to include the teaching of Wu in the system of Kawakami and Grubb. One of ordinary skill in the art would have

Art Unit: 2633

been motivated to do this for reducing power consumption of Raman pump source and for safety mechanism of Raman pump source. Furthermore, it prolongs the life of the pump.

7. Claims 5-9 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami et al. US patent no. 6,263,139 in view of Grubb et al. US patent no. 6,344,922 and further in view of Kosaka et al. US Patent no. 6,233,091.

Regarding claims 7-9 and 32-34, as per claim 1 above, the combination of Kawakami and Grubb discloses all the limitations except for an optical signal detector for detecting optical power of an optical signal and a stopper for stopping supply of a pump light when a detection result from optical detector is outside (or higher than) a predetermined fixed range. Kosaka discloses an optical amplifier unit control (figure 42) having optical detector 58 of figure 42 for detecting optical power of an optical signal and a control unit 59, 62 (same as claimed stopper) received a detecting signal from detector 58 of figure 42 compare the power of detecting signal with a predetermined fix range (V_{ref}), for example to see if a detecting signal power is lower or higher or equal a predetermined fix range (V_{ref}) and stopping supply of a pump light when a detection result from optical detector is outside (higher or lower than) a predetermined fixed range (col. 3, line 61 to col. 4, line 13). At the time of the invention was made, it would have been obvious to an artisan at the time of the invention was made to include the teaching of Kosaka in the optical

Art Unit: 2633

communication system of Kawakami and Grubb. One of ordinary skill in the art would have been motivated to do this since detecting and controlling the pumps' power is well recognize in the art and a detector and stopper of Kosaka offers advantages for stopping a surge power so that it minimize the damage of the light pumps or other down-stream equipments, thus it will be benefit in the optical communication system.

Regarding claims 5-6 and 30-31, as far as examiner understood, Kosaka further discloses an adjustor 40 of figure 30 provided in the repeating station 9 to receive a detection signal that transmit from optical detector 18 (same as claimed residual light detector) to said adjustor 40 or control unit 20 (same as claimed stopper). Furthermore, figure 21 clearly shows the adjusting unit 40 is composed of an erbrium doped optical fiber 29, a pump source 31 and an optical multiplexer 32 for increasing and decreasing the pumping light from the pump source 31 (see col. 23, lines 10-17).

8. Claims 11-19 and 25 are allowed.

Response to Arguments

9. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

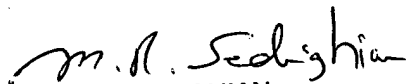
Conclusion

Art Unit: 2633

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


M. R. SEDIGHIAN
PRIMARY EXAMINER

DT
01/07/2005